
Introduced by Senator RomeroFebruary 13, 2003

An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, as introduced, Romero. Public agency: liability: immunity.

Under existing law, a public agency employing peace officers that adopts a written policy on vehicular pursuits complying with specific standards is immune from liability for civil damages for personal injury to, or the death of, any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is, or has been, pursued by a peace officer employed by the public entity in a motor vehicle.

This bill would also require, as a condition to the application of the civil immunity, that the public agency implement and adhere to the written policy described above. For the immunity to apply, the bill would further require that, at the time of the incident resulting in the collision, the involved peace officer was adhering to the adopted written policy for the immunity to apply.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17004.7 of the Vehicle Code is amended
2 to read:



1 17004.7. (a) The immunity provided by this section is in
2 addition to any other immunity provided by law. The adoption of
3 a policy by a public agency pursuant to this section is discretionary.

4 (b) (1) A public agency employing peace officers ~~which that~~
5 adopts, *implements, and adheres to* a written policy on vehicular
6 pursuits complying with subdivision (c) is immune from liability
7 for civil damages for personal injury to, or *the* death of, any person
8 or damage to property resulting from the collision of a vehicle
9 ~~being that is~~ operated by an actual or suspected violator of the law
10 who is ~~being~~, has been, or believes he or she is ~~being~~, or has been,
11 pursued by a peace officer employed by the public entity in a motor
12 vehicle.

13 (2) *The immunity provided by paragraph (1) only applies if, at*
14 *the time of the incident resulting in the collision, the involved peace*
15 *officer was adhering to the adopted, written policy.*

16 (c) If the public entity has adopted a policy for the safe conduct
17 of vehicular pursuits by peace officers, it shall meet all of the
18 following minimum standards:

19 (1) It provides that, if available, there be supervisory control of
20 the pursuit.

21 (2) It provides procedures for designating the primary pursuit
22 vehicle and for determining the total number of vehicles to be
23 permitted to participate at one time in the pursuit.

24 (3) It provides procedures for coordinating operations with
25 other jurisdictions.

26 (4) It provides guidelines for determining when the interests of
27 public safety and effective law enforcement justify a vehicular
28 pursuit and when a vehicular pursuit should not be initiated or
29 should be terminated.

30 (d) A determination of whether a policy adopted, *implemented,*
31 *and adhered to* pursuant to subdivision (c) complies with that
32 subdivision is a question of law for the court.

